

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHRISTOPHER MCSWAIN,

Plaintiff,

v.

Case No. 05-C-1169

BELINDA SCHRUBBE, et al.,

Defendants.

ORDER

Plaintiff McSwain, who is proceeding pro se, lodged a civil rights complaint under 42 U.S.C. § 1983. Pending currently is the defendants' motion for summary judgment on the grounds of nonexhaustion, to which the plaintiff has filed a response.

In the interim, this court has been alerted to the fact that the plaintiff is on this district's "three strikes" list. Under 28 U.S.C. § 1915(g), no prisoner can bring an action in forma pauperis if he has had three or more cases dismissed for frivolousness, maliciousness, or failure to state a claim. Thus, I hereby vacate that portion of my earlier order allowing the plaintiff to proceed in forma pauperis. He is ordered to pay the entire remainder of the filing fee of \$229.00 to this court within 21 days or his case will be dismissed. In the interim, no further briefing on any pending motions is necessary or expected.

Dated this 28th day of February, 2006.

s/ William C. Griesbach

William C. Griesbach

United States District Judge